



Public Notice

U.S. Army Corps	Permit Application No: _____	23354
Of Engineers	Date Issued: _____	3 May 2004
Galveston District	Comments Due: _____	3 June 2004

**U.S. ARMY CORPS OF ENGINEERS, GALVESTON DISTRICT
AND
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

PURPOSE OF PUBLIC NOTICE: To inform you of a proposal for work in which you might be interested. It is also to solicit your comments and information to better enable us to make a reasonable decision on factors affecting the public interest. We hope you will participate in this process.

AUTHORITY: This application will be reviewed pursuant to Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act.

APPLICANT: Lower Colorado River Authority (LCRA)
P.O. Box 220
Austin, Texas 78767-0220
Telephone: 512-473-3200
POC: Ms. Katherine Gonzalez

LOCATION: The project is located along the Colorado River, on a 1,600-acre tract situated west and east of FM 2031, beginning approximately 5 miles south of the town of Matagorda and extending to the Gulf of Mexico in Matagorda County, Texas. The project can be located on the U.S.G.S. quadrangle map entitled: Matagorda SW, Texas. Approximate UTM Coordinates in NAD 27 (meters): Zone 15; Easting: 208861; Northing: 3167357.

PROJECT DESCRIPTION: The applicant proposes to fill 0.92 acre of wetlands during the construction of a new beach access road. The applicant also proposes to place 68 cubic yards of fill below the mean high water line during the construction of a bulkhead, two fishing piers, a boat dock, and a wastewater outfall structure for the LCRA Matagorda Bay Nature Park located along the Colorado River.

The public beach access road would extend from an existing road east-southeast to the beach, a distance of 4,200 feet. The two fishing piers would measure 8 feet wide and 40 feet long (320 square feet). The boat dock would measure 8 feet wide and 50 feet long (450 square feet). Both of the fishing piers and the boat dock would connect to the bank via 6.5-foot wide and 30-foot long walkways (195 square feet each). A 20-foot long bulkhead would be constructed just north of the proposed boat dock. The outfall structure would release treated wastewater into the Colorado River channel.

The purpose of the proposed beach access road is to establish a permanent point of public vehicular access to the beach while allowing for one-half mile of pedestrian-only beach east of the existing Jetty Park facility.

The proposed fishing piers would be open to the public and would be used by the LCRA during educational programs. The proposed boat dock would be used by LCRA and others for educational and recreational programs. The proposed bulkhead would be used by the property owner west of the Colorado River channel to dock a barge used for transporting equipment and vehicles to their land. The proposed wastewater outfall structure would be the discharge point for the proposed central wastewater treatment system for the Matagorda Bay Nature Park facilities and the existing subdivisions adjacent to the park.

A jurisdictional delineation (D-13328/(03)) has been submitted to the Corps for verification. The applicant's plans are enclosed in 19 sheets.

The applicant's plans are enclosed in 17 project plan sheets and 2 mitigation plan sheets for a total of 19 sheets. Project location maps and general development plan in 4 sheets are attached; the remainder of the detailed 19 project and mitigation sheets are available on the USACE Website at www.swg.usace.army.mil/reg. You may obtain a hardcopy of the project plans upon written request to the Project Manager cited on page 4 of this notice.

NOTES: This public notice is being issued based on information furnished by the applicant. This information has not been verified.

A preliminary review of this application indicates that an Environmental Impact Statement (EIS) is not required. Since permit assessment is a continuing process, this preliminary determination of EIS requirement will be changed if data or information brought forth in the coordination process is of a significant nature.

Our evaluation will also follow the guidelines published by the U.S. Environmental Protection Agency pursuant to Section 404 (b)(1) of the Clean Water Act (CWA).

OTHER AGENCY AUTHORIZATIONS: Texas Coastal Zone consistency certification is required. The applicant has stated that the project is consistent with the Texas Coastal Management Program goals and policies and will be conducted in a manner consistent with said Program.

STATE WATER QUALITY CERTIFICATION: Although this project would result in a direct impact to less than three acres of waters of the state or less than 1500 linear feet of streams, the project would impact certain types of rare or ecologically significant wetlands. Therefore, the project is not eligible for inclusion in the Texas Commission on Environmental Quality's (TCEQ) Tier I project criteria and an individual water quality certification is required, even though the project is below the tier I thresholds. Concurrent with U.S. Army Corps of Engineers (Corps) processing of this application, the TCEQ is reviewing this application under Section 401 of the CWA and in accordance with Title 30, Texas Administrative Code Section 279, 1-13 to determine if the work would comply with State water quality standards. By virtue of an agreement between the Corps and the TCEQ, this public notice is also issued for the purpose of advising all known interested persons that there is pending before the TCEQ a decision on water quality certification under such act. Any comments concerning this application may be submitted to the Texas Commission on Environmental Quality, 401 Coordinator, MSC-150, P.O. Box 13087, Austin, Texas, 78711-3087. The public comment period extends 30 days from the date of publication of this notice. A copy of the public notice with a description of the work is made available for review in the TCEQ's Austin office. The complete application may be reviewed in the Corps office. The TCEQ may conduct a public hearing to consider all comments concerning water quality if requested in writing. A request for a public hearing must contain the following information: the name, mailing address, application number, or other recognizable reference to the application; a brief description of the interest of the requester, or of persons represented by the requester; and a brief description of how the application, if granted, would adversely affect such interest.

NATIONAL REGISTER OF HISTORIC PLACES: The staff archaeologist has reviewed the latest published version of the National Register of Historic Places, lists of properties determined eligible, and other sources of information. The following is current knowledge of the presence or absence of historic properties and the effects of the undertaking upon these properties:

A historic properties investigation has been conducted within the permit area. No sites determined eligible for or listed on the National Register of Historic Places are within the permit area or affected area.

THREATENED AND ENDANGERED SPECIES: Preliminary indications are that no known threatened and/or endangered species or their critical habitat will be affected by the proposed work.

ESSENTIAL FISH HABITAT: This notice initiates the Essential Fish Habitat consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. Our initial determination is that the proposed action would not have a substantial adverse impact on Essential Fish Habitat or Federally managed fisheries in the Gulf of Mexico. Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the National Marine Fisheries Service.

PUBLIC INTEREST REVIEW FACTORS: This application will be reviewed in accordance with 33 CFR 320-330, the Regulatory Programs of the Corps of Engineers, and other pertinent laws, regulations and executive orders. The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors, which may be relevant to the proposal, will be considered: among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs and, in general, the needs and welfare of the people.

SOLICITATION OF COMMENTS: The Corps of Engineers is soliciting comments from the public, Federal, State, and local agencies and officials, Indian tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Impact Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

This public notice is being distributed to all known interested persons in order to assist in developing facts upon which a decision by the Corps of Engineers may be based. For accuracy and completeness of the record, all data in support of or in opposition to the proposed work should be submitted in writing setting forth sufficient detail to furnish a clear understanding of the reasons for support or opposition.

PUBLIC HEARING: Prior to the close of the comment period any person may make a written request for a public hearing setting forth the particular reasons for the request. The District Engineer will determine whether the issues are substantial and should be considered in the permit decision. If a public hearing is warranted, all known interested persons will be notified of the time, date, and location.

CLOSE OF COMMENT PERIOD: All comments pertaining to this Public Notice must reach this office on or before **3 June 2004**. Extensions of the comment period may be granted for valid reasons provided a written request is received by the limiting date. **If no comments are received by that date, it will be considered that there are no objections**. Comments and requests for additional information should be submitted to:

T. Cheryl Jaynes
Regulatory Branch, CESWG-PE-RE
U.S. Army Corps of Engineers
P.O. Box 1229
Galveston, Texas 77553-1229
409-766-3804 Phone
409-766-3931 Fax

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